

REVISED STATUTES OF 1846

CHAPTER 12

Chapter 12. Of Certain State Officers.³

THE ATTORNEY GENERAL.

14.28 Representation of state; designation of solicitor general.

Sec. 28. The attorney general shall prosecute and defend all actions in the supreme court, in which the state shall be interested, or a party; he may, in his discretion, designate one of the assistant attorneys general to be known as the solicitor general, who, under his direction, shall have charge of such causes in the supreme court and shall perform such other duties as may be assigned to him; and the attorney general shall also, when requested by the governor, or either branch of the legislature, and may, when in his own judgment the interests of the state require it, intervene in and appear for the people of this state in any other court or tribunal, in any cause or matter, civil or criminal, in which the people of this state may be a party or interested.

History: R.S. 1846, Ch. 12;—CL 1857, 180;—CL 1871, 255;—How. 286;—CL 1897, 104;—CL 1915, 132;—Am. 1921, Act 394, Eff. Aug. 18, 1921;—CL 1929, 176;—Am. 1939, Act 144, Imd. Eff. May 26, 1939;—CL 1948, 14.28.

14.29 Suits involving state departments.

Sec. 29. It shall be the duty of the attorney general, at the request of the governor, the secretary of state, the treasurer or the auditor general, to prosecute and defend all suits relating to matters connected with their departments.

History: R.S. 1846, Ch. 12;—CL 1857, 181;—CL 1871, 256;—How. 287;—CL 1897, 105;—CL 1915, 133;—CL 1929, 177;—CL 1948, 14.29.

14.30 Supervision of prosecutors; report to legislature.

Sec. 30. The attorney general shall supervise the work of, consult and advise the prosecuting attorneys, in all matters pertaining to the duties of their offices; and he shall make and submit to the legislature, at the commencement of its session, a report of all official business done by him during the 2 years preceding, specifying the suits to which he has attended, the number of persons prosecuted, the crimes for which, and the counties where such prosecutions were had, the results thereof, and the punishments awarded.

History: R.S. 1846, Ch. 12;—CL 1857, 182;—CL 1871, 257;—How. 288;—CL 1897, 106;—CL 1915, 134;—Am. 1921, Act 394, Eff. Aug. 18, 1921;—CL 1929, 178;—CL 1948, 14.30.

14.31 Annual report to legislature; abstract of prosecutor's reports.

Sec. 31. The attorney general shall include in his annual report, an abstract of the annual reports of the several prosecuting attorneys.

History: R.S. 1846, Ch. 12;—CL 1857, 183;—CL 1871, 258;—How. 289;—CL 1897, 107;—CL 1915, 135;—CL 1929, 179;—CL 1948, 14.31.

14.32 Opinions for state officials; failure of prosecutors to file annual reports.

Sec. 32. It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer, and also to notify the county treasurer of the proper county, of the neglect or refusal of any prosecuting attorney to make the annual report to the attorney general required of him by law.

History: R.S. 1846, Ch. 12;—CL 1857, 184;—CL 1871, 259;—How. 290;—CL 1897, 108;—CL 1915, 136;—CL 1929, 180;—CL 1948, 14.32.

14.33 Moneys received payable to state treasury; deposit of proceeds to restricted fund; "proceeds" defined.

Sec. 33. (1) All moneys received by the attorney general, for debts due, or penalties forfeited to the people of this state, shall be paid by him or her, immediately after receipt, into the state treasury.

(2) Except as otherwise provided in this section, any proceeds from a lawsuit settlement entered into by a state agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government or an individual acting on behalf of the executive branch of state government as the result of an action instituted on behalf of the state against a private individual or business or any other private organization shall be deposited into a restricted fund to be used as provided by law. In

case of a conflict between this section and another state or federal law that requires allocation to a specific fund or account or for a specific purpose or purposes, that other state statute or federal law shall prevail.

(3) As used in this section, "proceeds" means a cash settlement. Proceeds does not include real property or stocks, bonds, or other evidences of indebtedness unless these items are to be converted into cash as part of the settlement or payments to be made to a specifically designated party as a result of the settlement of a contractual dispute between the state and a party or parties to a contract with the state.

History: R.S. 1846, Ch. 12;—CL 1857, 185;—CL 1871, 260;—How. 291;—CL 1897, 109;—CL 1915, 137;—CL 1929, 181;—CL 1948, 14.33;—Am. 1996, Act 563, Eff. Mar. 31, 1997.

14.34 Record of participation in actions; delivery to successor.

Sec. 34. The attorney general shall keep, in proper books to be provided for that purpose at the expense of the state, a register of all actions or demands prosecuted or defended by him in behalf of the people of this state, and of all proceedings had in relation thereto, and shall deliver the same to his successor in office.

History: R.S. 1846, Ch. 12;—CL 1857, 186;—CL 1871, 261;—How. 292;—CL 1897, 110;—CL 1915, 138;—CL 1929, 182;—CL 1948, 14.34.

14.35 Salary; assistants; service on commissions.

Sec. 35. The attorney general shall receive such annual salary as shall be provided by law, and his actual necessary expenses. In addition to a deputy provided by law, the attorney general may appoint such assistant attorneys general as he may deem necessary, and who when appointed to such office shall take and subscribe the constitutional oath of office. Any such assistant attorney general may, when designated thereto by his principal, serve in the place of the attorney general as a member of the public debt commission created by Act No. 13, Public Acts of 1932, Extra Session, and on any other board or commission of which the attorney general is now or may hereafter be an ex officio member, appear for the state in any suit or action before any court or administrative body, or before any grand jury, with the same powers and duties and in like cases as the attorney general, but shall at all times be subject to the orders and directions of the attorney general. Such assistants shall hold office at the pleasure of the attorney general.

History: R.S. 1846, Ch. 12;—Am. 1847, Act 105, Imd. Eff. Mar. 17, 1847;—CL 1857, 187;—CL 1871, 262;—How. 293;—CL 1897, 111;—CL 1915, 139;—Am. 1921, Act 394, Eff. Aug. 18, 1921;—CL 1929, 183;—Am. 1939, Act 248, Imd. Eff. June 15, 1939;—CL 1948, 14.35;—Am. 1948, 2nd Ex. Sess., Act 2, Imd. Eff. Dec. 9, 1948.

Compiler's note: Act 13 of 1932, 1st Ex. Sess., referred to in this section, was repealed by Act 202 of 1943.